

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOEL ANTHONY BROWN,

Defendant.

8:07CR338

ORDER

This matter is before the court on the motion for an extension of time by defendant Joel Anthony Brown (Brown) (Filing No. 28). Brown seeks an extension of time in which to file pretrial motions and a continuance of the trial. Brown's counsel has recently entered his appearance in this matter following the death of Brown's previous counsel. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Brown's motion for an extension of time (Filing No. 28) is granted. Brown is given until **on or before July 3, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 12, 2008 and July 3, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Trial of this matter scheduled for June 17, 2008, is **cancelled** and will be rescheduled following the disposition of any pretrial motions.

DATED this 12th day of June, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge